

9 FAM 42.33 Procedural Notes

(TL:VISA-201; 09-09-1999)

9 FAM 42.33 PN1 Registration of Applicants

(TL:VISA-201; 09-09-1999)

Only those *entries* which meet the eligibility requirements specified in 22 CFR 42.33(a)(1), and which are received during the time period specified by the Department for each fiscal year, will be considered for registration for immigrant visa issuance under INA 203(c).

9 FAM 42.33 PN2 Entries Lacking Required Information

9 FAM 42.33 PN2.1 Signature

(TL:VISA-201; 09-09-1999)

a. The signature requirement was introduced to reduce fraud and to ensure that each applicant was responsible for and aware of the information on his or her entry. If the signature is missing *or* is a facsimile, or if the applicant admits that it was signed by someone else on his or her behalf, the *entry* does not qualify and should be refused.

b. However, given that the form of the signature is not fixed and that use of signatures is not commonly practiced in some cultures, the Department has decided that the consular officer should make the determination as to whether the applicant is genuine and that he or she has signed the *entry*. If the consular officer is satisfied that the *information on the entry is complete and accurate, and that the signature, mark, or thumbprint appearing on the entry was personally made by the principal applicant who has appeared for the final interview, processing of the case should continue.*

9 FAM 42.33 PN2.1-1 Signature Signed by Someone Other than Applicant

(TL:VISA-185; 02-26-1999)

If the post determines that someone else signed the petition on the applicant's behalf, the consular officer should refuse the applicant under INA 212(a)(5)(A). If the consular officer determines that the applicant is an imposter, the consular officer may wish to pursue a finding under INA 212(a)(6)(C), depending on the post's resources and the ease in determining the true identity of the imposter.

9 FAM 42.33 PN2.1-2 Thumbprint May Satisfy Signature Requirement

(TL:VISA-185; 02-26-1999)

It is possible that the thumbprint may qualify as a signature, if the applicant is able to satisfy to the consular officer's satisfaction that this is his or her "normal" signature. Such applicant, however, may not be able to meet the education or work requirements of the DV Program.

9 FAM 42.33 PN2.2 Missing Photographs

9 FAM 42.33 PN2.2-1 Photo Missing When Received at Post

(TL:VISA-201; 09-09-1999)

If an *entry* is received at post without a photo, but the consular officer is satisfied that the photo was originally attached and that there is no fraud involved, the consular officer should continue to process the case. If the photo is lost between the receipt of the *entry* at the National Visa Center (NVC) and sending of the Packet 4, the NVC will include a memo in the file sent to post.

9 FAM 42.33 PN2.2-2 Photo not that of Applicant

(TL:VISA-183; 12-18-1998)

If the consular officer determines that the photo is not that of the applicant, depending on the circumstances and the post's resources, the consular officer may wish to pursue a refusal under INA 212(a)(6)(C).

9 FAM 42.33 PN2.3 Printed Name Omitted

(TL:VISA-201; 09-09-1999)

If the printed name is omitted from the back of the photo, and the consular officer is satisfied that there was no fraud intended, the consular officer shall continue to process the *entry*.

9 FAM 42.33 PN3 Place of Registration

(TL:VISA-201; 09-09-1999)

Only those *entries* mailed to addresses specified by the Department for each fiscal year will be accepted for registration.

9 FAM 42.33 PN3.1 Registration and Retention of Original Entries

(TL:VISA-201; 09-09-1999)

The NVC will register approximately 90,000 applicants (both principals and dependents) each year. All original *entries* received during the registration period will be maintained in Portsmouth, NH. The NVC will notify posts of the number of applicants from their DV-processing area who were selected, broken down by country of residence. The NVC will maintain a computer-generated master list of registered applicants. Unregistered *entries* will be retained for 90 days and then destroyed.

9 FAM 42.33 PN3.2 Chronological Registration and Determining of Priority Dates

(TL:VISA-201; 09-09-1999)

The NVC will separate all qualifying mail received during the designated period into one of six geographic regions and assign each *entry* an individual number. *Following this*, a computer will randomly select cases from among the mail received for each of the geographic regions. Within each region, the first entry randomly selected will be the first case registered, the second entry selected, the second registration, etc. Each region will have a two-letter *code*:

AF	Africa
OC	Oceania
EU	Europe
NA	North America
SA	South America

The two-letter code will be followed by the rank-order number, i.e., AF00925. Each month visa numbers will be allocated according to lottery rank-order to those applicants who are ready for visa issuance during that month.

9 FAM 42.33 PN3.3 Mailing Registrations

(TL:VISA-201; 09-09-1999)

a. When a case has been registered, the NVC will immediately send the applicant the Packet 3 which shall consist of the following:

- (1) Form DSL-1079 (DV), Letter to Diversity Visa Applicants;

(2) Form DSL-1078 (DV), Visa Instructions for DV Immigrant Visa Applicants;

(3) Form DSP-122, Supplemental Registration for the Diversity Immigrant Visa;

(4) Form OF-167, Evidence Which May Be Presented to Meet the Public Charge Provisions of the Law;

(5) Form DSL-1083, Immigrant Visa Supplemental Information Sheet; and

(6) Form OF-230, Parts I and II, Application for Immigrant Visa and Alien Registration.

b. The NVC will continue to process the *entry* until those registered are entitled to make a formal application for visa issuance at a U.S. consular office abroad, or an adjustment of status with the INS in the United States.

9 FAM 42.33 PN4 Creation of an Immigrant Visa File

(TL:VISA-97; 10-20-1994)

The NVC will create a DV immigrant visa file on the principal applicant and qualifying dependents. These files will be shipped to post about three months prior to the visa interview.

9 FAM 42.33 PN5 Processing DV Cases

9 FAM 42.33 PN5.1 Packet 3

(TL:VISA-201; 09-09-1999)

In order to be considered documentarily qualified, the visa applicant must complete and return the Packet 3 to the NVC. The Packet 3 consists of the following:

(1) Form OF-230, Application for Immigrant Visa and Alien Registration;

(2) Form DSP-122, Supplemental Registration for the Diversity Immigrant Visa Program; and

(3) Form DSL-1089, Where I Will Apply Notice to Diversity Visa Applicants in United States.

9 FAM 42.33 PN5.2 Packet 4

(TL:VISA-201; 09-09-1999)

Upon receipt from the applicant of properly completed Forms DSP-122 and OF-230, the NVC will then transmit the Packet 4 and schedule an appointment for the applicant. Packet 4 consists of the following:

- (1) Form DV-171-98, Appointment for DV-98 Immigrant Visa Applicant;
- (2) Form OF-167, Evidence Which May Be Presented to Meet the Public Charge Provisions of the Law; and
- (3) Form OF-157, Medical Examination of Applicants for United States Visas.

9 FAM 42.33 PN5.3 Clearances

(TL:VISA-175; 01-15-1998)

The NVC conducts NCIC and CLASS namechecks only. The NVC does not conduct SAOs or Visas Alpha requests for DV applicants. Post, moreover, must conduct another CLASS name check immediately prior to the visa interview.

9 FAM 42.33 PN5.4 Following-to-Join Applicants

(TL:VISA-158; 11-25-1996)

DV applicants who adjust status will be informed in the Packet 3 instructions to notify INS of derivative family members residing abroad who will apply for visas. INS will forward the Form I-181, Memorandum of Creation of Record of Lawful Permanent Residence, to posts advising them of the adjustment of the principal applicant and providing names and addresses of immediate family members. (INS will notify posts of following-to-join family members in adjustment cases.) Upon receipt of this information, posts shall send the applicants Packet 3 and Packet 4 and process these cases to conclusion, obtaining additional DV numbers from CA/VO/F/I as necessary via VISAS FROG messages [see PART IV Appendix E, 300]. DV following-to-join cases cannot be processed using DV software and, therefore, must be processed manually.

9 FAM 42.33 PN5.5 Aging-Out Derivatives

(TL:VISA-175; 01-15-1998)

The NVC does not routinely review each DV case to identify a derivative who might be aging-out prior to the scheduled interview. When the NVC is made aware of aging-out derivative family members, the NVC will send a

Packet 4 to the applicant, forward the file to post and include the case data in the diskette for the month in which the appointment is scheduled. Post may also reschedule the visa interview to accommodate an aging-out derivative family member. Any additional DV numbers which may be needed for such cases can be requested from the Department by VISAS FROG message. [See 9 FAM PART IV Appendix E, 300.]

9 FAM 42.33 PN6 Transfer of Cases

(TL:VISA-158; 11-25-1996)

Posts are to follow normal IV case transfer procedures when a DV applicant asks that his or her case be transferred to a different post for processing. [See 9 FAM §42.41 PN3.] DV cases should not be returned to the NVC for forwarding to another post as this delay may disadvantage the applicant, resulting in loss of opportunity for the visa interview and visa issuance if there is a retrogression in the rank-order number.

9 FAM 42.33 PN7 Fingerprinting

9 FAM 42.33 PN7.1 General

(TL:VISA-158; 11-25-1996)

a. Applicants in fingerprint pilot program countries should be encouraged to have fingerprints taken as quickly as possible to avoid possible 221(g) refusal at the time of visa interview, which could further delay DV processing should rank-order cut-offs be imposed or a retrogression in rank-order number occur. NVC will send advance fingerprint notifications and instructions to DV applicants in fingerprint pilot program countries as soon as the NVC receives responses to Packet 3, indicating that the applicants are documentarily qualified.

b. Posts will not have received the files and pre-printed fingerprint cards for most DV applicants who respond to the advance notification. Posts should use blank cards and include the DV case number shown on the advance notice letter. The three-letter post code must precede the case number so that NVC can properly route FBI responses. Posts should ensure that they have a sufficient supply of blank fingerprint cards available for these cases.

9 FAM 42.33 PN7.2 Following-to-Join Cases

(TL:VISA-201; 09-09-1999)

Posts should send fingerprint instructions to following-to-join applicants along with Packet 3 immediately upon receipt of notification that the principal has adjusted.

9 FAM 42.33 PN7.3 Fingerprinting for Aliens Between 16 and 17

(TL:VISA-175; 01-15-1998)

Where the statute or regulations require fingerprinting for applicants over the age of 16, the Department has interpreted this to mean fingerprints are required for applicants 17 years of age and older, not 16 years and one day.

9 FAM 42.33 PN8 Retention of Issued DV Cases

(TL:VISA-175; 01-15-1998)

As in the case of other issued immigrant visas cases, the files for issued DV cases should be destroyed after visa number reconciliation. [See 9 FAM PART IV Appendix F, 100.] Prior to destruction, posts must extract and retain all information needed for the DV end-of-year report.

9 FAM 42.33 PN9 Reporting Procedures

(TL:VISA-183; 12-18-1998)

NVC must report monthly to the Department (CA/VO/F/I) the number of documentarily qualified DV applicants chargeable to each region and country. In October or November of each year, posts must also provide to the NVC the following information, in numerical order, on each applicant issued a visa during the just-concluded program so that the report to Congress can be prepared:

- (1) Name;
- (2) Date and place of birth;
- (3) Sex;
- (4) Marital status;
- (5) Occupation; and
- (6) Education level.

9 FAM 42.33 PN10 NVC Telephone Number

(TL:VISA-158; 11-25-1996)

The public telephone number for the National Visa Center is (603) 334-0700.

9 FAM 42.33 PN11 Anti-Fraud Measures

9 FAM 42.33 PN11.1 DV Notification Letter

(TL:VISA-185; 02-26-1999)

As an anti-fraud measure, the DV-99 Notification Letter is produced on "secure" paper. The paper is green with green letterhead, and has a background weave that makes cutting and pasting easier to detect. Any attempts to use an alcohol-based erasure fluid on the paper will cause the paper to discolor, and it also fluoresces under a black light. In addition to the security features of the paper itself, certain points have been built into the text. The periods on the end of the second lines in both the first and second paragraphs are missing. The number "zero" and the letter "O" are used in place of one another at several points throughout the text.

9 FAM 42.33 PN11.2 Duplicate Notification Letters and Packet 3

(TL:VISA-185; 02-26-1999)

If an applicant claims a need for a new notification letter and Packet 3, the NVC will establish their winner's status and will issue a duplicate letter printed on white paper with the word "duplicate" printed in red ink on the top. When an applicant presents a duplicate letter, posts should check the NVC-provided data to confirm that this was, in fact, issued by NVC.

9 FAM 42.33 PN11.3 National Information Fraud Center

(TL:VISA-201; 09-09-1999)

In response to posts' concerns about the high incidence of inaccurate advertisements and solicitations from U.S. companies or consultants, the Federal Trade Commission has made available the services of the National Fraud Center. Persons, who think they have been cheated by a U.S. company or consultant in connection with their DV *entry*, may contact either their local consumer affairs office or the National Fraud Information Center at 1-800-876-7060, or outside the United States at 202-835-0159. This should help relieve high-fraud posts of some of the burden of fielding fraud-related complaints from DV applicants involving U.S. companies or consultants.